

have attempted to incorporate as such corporations under the General Laws of this State, but which attempted incorporations failed to comply with all the requirements of the General Statutes; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1, of Chapter 55, of the General Laws of the State of Texas, passed by the Fortieth Legislature, at its Regular Session, in 1927, validating certain cities and towns, be and the same is hereby amended so that said section will hereafter read and provide as follows:

Section 1. That all cities and towns of six hundred (600) inhabitants or more, which have heretofore attempted to accept provisions of Title 22, Revised Civil Statutes of 1911, or Title 28, Revised Civil Statutes of 1925, and to become incorporated cities and towns of six hundred (600) inhabitants or more, under the General Statutes and have failed to comply with all the requirements thereof, or which are not included within the literal meaning of those cities which are authorized to accept the provisions of said General Statutes, and, further, that all towns and villages incorporated under either Chapters 14 or 15, of Title 22, Revised Civil Statutes of 1911, or under either Chapters 11 or 12, of Title 28, Revised Civil Statutes of 1925, and which said attempted incorporations failed to comply with all the requirements of law, respectively, under which they were attempted to be incorporated, but which said cities, towns or villages have from and after the dates of their attempted incorporations, as aforesaid, exercised the functions of incorporated cities and/or incorporated towns and villages, and have been recognized as such municipalities be, and they are hereby declared to be cities and/or towns and villages of the class named in their attempted acts of incorporation, and their incorporations shall be, and the same are hereby declared to be as legal and valid as if the original acts of incorporation had been in strict compliance with the requirements of the law; and all acts and proceedings heretofore done and per-

formed by such cities and/or towns and villages, within the scope and power of such incorporations under the laws of the State, be, and the same are hereby, validated and made binding on such incorporations; provided, that nothing herein shall be construed as validating any act of the governing body of any such city, town or village, unless such act was authorized by the General Statutes of this State under which such governing body was attempting to act; and, provided further, that the provisions of this Act shall not validate the act of any city and/or town or village in adding additional territory without the consent of the inhabitants of the territory so added to such city and/or town or village.

Sec. 2. The fact that there are many cities and towns of six hundred inhabitants and more that have incorporated under provisions of said General Law, and have in good faith undertaken to incorporate and to accept the provisions of said General Laws, and may not have complied strictly with all of the provisions, and the acts, ordinances, and bond issues of said cities and towns, might be questioned, although made in good faith and authorized by a majority vote of the qualified voters of such cities, and the fact that there are many towns and villages in Texas which have heretofore attempted to incorporate under the provisions of the law authorizing such incorporations, but failed to comply with all requirements of such law, but have nevertheless been recognized as incorporated towns and villages, and the validation thereof is to the interest of such incorporated towns and villages, and also to the public interest, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days before final passage be suspended, and such rule is hereby suspended, and this Act shall take effect and shall be in force from and after its passage, and it is so enacted.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, June 27, 1929.

The Senate met at 2:30 p. m., pursuant to adjournment, and was

called to order by President Pro Tem Pink Parrish.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Wodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### S. C. R. No. 19.

Senator Pollard sent up the following resolution:

S. C. R. No. 19, Whereas no appropriation has been made for the printing of the Session Laws of the First and Second Called Sessions of the Forty-first Legislature, now therefore, be it

Resolved, by the Senate and House of Representatives concurring, That the sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys remaining in the Senate contingent fund of the Regular, First, or Second Called Sessions of the Forty-first Legislature to pay for said publication.

POLLARD.

Read and adopted.

#### Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Austin, Texas, June 27, 1929.

To the Honorable Senate of the State of Texas:

I have made the following appointments subject to your confirmation:

To be members of the Advisory Judicial Council, as provided in the Acts of the Forty-first Legislature. First Called Session.

From among the Justices of the several Courts of Civil Appeals I designate

Chief Justice James W. McClendon of the Court of Civil Appeals for the Third Supreme Judicial District.

Chief Justice R. W. Hall of the Court of Civil Appeals for the Seventh Supreme Judicial District.

From among the presiding judges of the Administrative Judicial District I designate

Judge P. R. Price of the Sixth Administrative Judicial District and of the Forty-first Judicial District, and Judge P. A. Martin of the Eighth Administrative Judicial District and of the Eighty-ninth Judicial District.

The above are to be ex-officio members, and the statute provides shall be designated by the Governor.

For the remaining members of said Council I name:

Hon. J. H. Barwise of Tarrant County, Hon. A. H. Britain of Wichita County, Hon. R. L. Ball of Bexar County, Hon. Frank Andrews of Harris County, Hon. W. E. Orgain of Jefferson County, Judge F. A. Williams of Galveston County, Hon. Ira P. Hildebrand of Travis County, Hon. W. O. Huggins of Harris County, and Hon. H. B. Crozier of Dallas County.

The statutory terms are to be divided among the nine members in the order named above.

State Board of Water Engineers—Hon. A. H. Dunlap of Ward County to succeed himself upon the expiration of his present term.

Board of Regents of the University of Texas—Hon. Beauford Jester of Navarro County.

Pilot Commissioners for the ports of Galveston and Texas City—George D. Morgan, P. M. Gengler, J. H. Langben, Robt. I. Cohen, E. V. Rhodes.

Branch Pilots for the ports of Galveston and Texas City—H. H. Haden, H. D. Wetmore, V. C. Amburn, J. H. Johnson, J. J. Dalehite, H. A. Merrill, Ed Armstrong.

State Park Board—To be members of the State Park Board upon the

expiration of the terms of the present members on October 15, 1929:

Hon. D. E. Colp of Bexar County,  
Hon. Tom L. Beauchamp of Lamar County.

Respectfully submitted,  
(Signed) DAN MOODY,  
Governor.

Read and referred to Committee on Governor's Nominations.

### S. C. R. No. 20.

Senator Parrish sent up the following resolution:

S. C. R. No. 20, Providing for a legislative committee to investigate and report to the Legislature in reference to amounts earned and retained by officers of this State who are paid in fees, or partly in fees.

Whereas, many officers in this State are paid upon a fee basis in whole or in part; and

Whereas, in some instances the law fixes a maximum which may be retained by particular officers out of fees of office and in other cases the law is uncertain and it is difficult to ascertain what the maximum is; and

Whereas, at various places in the statutes prescribing fees the law permits such fees or a portion of same to be retained without the necessity of the officer accounting for same as fees of office; and

Whereas, it can not be ascertained without great difficulty how much each officer earns or is entitled to under the law; and

Whereas, some of the officers in this State are making huge sums in fees out of proportion to the amount of work performed, and also out of proportion to salaries provided for other officers in the State, said condition resulting from the fact that many fees of office may be retained without accounting for same within the maximum fee bill; and

Whereas, it is necessary for the Legislature to have information on this subject in order that it may intelligently consider and enact proper laws governing the subject; now therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring:

Section 1. A committee shall be appointed consisting of two members of the Senate to be appointed by the President of the Senate, and three members of the House to be

appointed by the Speaker of the House for the purpose of making an investigation in reference to fees of office of officers in this State who are paid in fees either in whole or in part, and to ascertain and report on the amounts earned by various officers paid on such basis and how much they retained out of fees of office or other compensation where they receive fees only in part.

Sec. 2. Said committee shall also make such investigation after the adjournment of this session of the Forty-first Legislature and shall make a report to the Legislature at its next session. Said report shall contain the information gathered by said committee together with its findings and recommendations as to any measures that should be enacted by the Legislature in reference to same.

Sec. 3. Said committee shall have free access to all books and records of county officers or other officers in this State in order to obtain information necessary under this resolution. Said committee shall have power to subpoena witnesses to appear before it any time or place it shall decide and furnish to it such information as such witnesses have, and issue subpoenas for records, books, papers and other documents and to swear said witnesses; to reduce testimony to writing or type-writing, and to pay said witnesses the fees paid them in criminal cases in the district court. Said committee shall also have power to require from all persons, firms and corporations in this State such information as it may desire with reference to the subject matter of this resolution. Said committee shall have power to issue such process as is necessary to compel the attendance of witnesses or the production of books, records or other information as may be desired by said committee in the proper discharge of its duties.

Sec. 4. Said committee shall be entitled to reimbursement of expenses actually incurred in the performance of their duties under this resolution, the same to be paid out of the fund appropriated for contingent expenses of the Legislature. Said committee shall also have authority to employ one stenographer, if necessary.

PARRISH.

The resolution was read.  
Senator Hyer sent up the following amendment:

To amend S. C. R. No. 20:

Provided, that no expense chargeable to the public funds shall be incurred.

HYER.

The amendment was read.

Senator Stevenson moved the previous question on the amendment and the resolution. The motion failed to receive the proper seconding.

Senator McFarlane sent up the following substitute for the amendment:

Substitute.

Amend S. C. R. No. 20 by adding to the next to last paragraph the following:

provided that the expenses allowed under the provisions of the resolution shall not exceed \$5,000.00.

McFARLANE,  
SMALL,  
WITT.

Senator Stevenson moved the previous question on the amendments. The motion prevailed by the following vote:

Yeas—21.

Beck.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Patton.
Hardin.	Small.
Hornsby.	Stevenson.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodward.
Russek.	

Nays—7.

Berkeley.	Westbrook.
Cousins.	Wirtz.
Holbrook.	Woodul.
Thomason.	

Present—Not Voting.

Parrish.

Absent—Excused.

Martin.

Pollard.

The substitute was read and adopted by the following vote:

Yeas—15.

Berkeley.	Cunningham.
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DeBerry.  
Gainer.  
Greer.  
Holbrook.  
Hornsby.  
Love.  
McFarlane.

Miller.  
Parrish.  
Small.  
Stevenson.  
Witt.  
Woodward.

Nays—13.

Beck.  
Cousins.  
Hyer.  
Moore.  
Neal.  
Parr.  
Patton.

Russek.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Woodul.

Absent—Excused.

Hardin.  
Martin.

Pollard.

The amendment as substituted was adopted by the following vote:

Yeas—15.

Berkeley.  
Cunningham.  
DeBerry.  
Gainer.  
Greer.  
Holbrook.  
Hornsby.  
Love.

McFarlane.  
Miller.  
Parrish.  
Small.  
Witt.  
Woodul.  
Woodward.

Nays—14.

Beck.  
Cousins.  
Hardin.  
Hyer.  
Moore.  
Neal.  
Parr.

Patton.  
Russek.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.

Absent.

Martin.

Pollard.

Senator Woodul moved to reconsider the vote by which the amendment was adopted. The motion was lost by the following vote:

Yeas—15.

Beck.  
Cousins.  
Hardin.  
Hyer.  
Moore.  
Neal.  
Parr.  
Pollard.

Russek.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Woodul.

Nays—16.

Berkeley.

Cunningham.

DeBerry.	McFarlane.
Gainer.	Miller.
Greer.	Parrish.
Holbrook.	Patton.
Hornsby.	Small.
Love.	Witt.
Martin.	Woodward.

Senator Miller moved to adjourn until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—4.

Miller.	Russek.
Parr.	Stevenson.

Nays—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

The resolution as amended was adopted by the following vote:

Yeas—16.

Berkeley.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parrish.
Greer.	Pollard.
Holbrook.	Small.
Hornsby.	Witt.
Love.	Woodward.

Nays—15.

Beck.	Russek.
Cousins.	Stevenson.
Hardin.	Thomason.
Hyer.	Westbrook.
Moore.	Williamson.
Neal.	Wirtz.
Parr.	Woodul.
Patton.	

#### House Bill No. 75.

The Chair laid before the Senate on second reading the following bill:  
By Mr. Tillotson, et al:

H. B. No. 75. A bill to be entitled  
"An Act relating to the registration of motor vehicles, trailers, semi-trailers, or other device drawn, trans-

ported, or used on the public highways; prescribing the license fees required for their registration; etc., and declaring an emergency."

The bill was read second time.

Senator Williamson sent up the following substitute:

By Senators Williamson, Hyer, Hardin, Love, Martin, Cunningham, DeBerry, Berkeley, Parrish, Pollard, McFarlane, Small, Neal, Gainer.

Amend H. B. No. 75 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Definitions of Terms. The following words and terms as used herein, have the meaning respectively ascribed to them in this Section, as follows:

(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle" means every vehicle, as herein defined, that is self-propelled.

(c) "Motorcycle" means every motor vehicle designed to propel itself on not more than three wheels in contact with the ground.

(d) "Truck Tractor" means every motor vehicle designed or used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm Tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(f) "Road Tractor" means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(g) "Trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

(h) "Semi-trailer" means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(i) "Commercial Motor Vehicle"

means any motor vehicle other than a motorcycle designed or used for the transportation of property including every vehicle used for delivery purposes.

(j) "Passenger Car" means any motor vehicle other than a motorcycle or a bus, as defined in this Act designed or used primarily for the transportation of persons.

(k) "Department" means the State Highway Department or its duly authorized officers or agents.

(l) "Owner" means any person who holds the legal title of a vehicle or who has the legal right of possession thereof, or the legal right of control of said vehicle.

(m) "Public highway" shall include any road, street, way, thoroughfare or bridge in this State not privately owned or controlled for the use of vehicles over which the State has legislative jurisdiction under its police power.

(n) "Motor Bus" shall include every vehicle, except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and/or towns and/or villages for compensation (or hire) whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and/or towns or suburban additions to such towns.

Sec. 2. Every owner of a motor vehicle, trailer or semi-trailer, used or to be used upon the public highways of this State, and each chauffeur, shall apply each year to the State Highway Department through the County Tax Collector of the County in which he resides for the registration of each such vehicle owned or controlled by him, or for a chauffeur's license, for the ensuing or current calendar year or the unexpired portion thereof; provided, however, that owners of farm tractors and implements of husbandry operated or moved temporarily upon the highways shall not be required to register such tractors or implements.

Sec. 3. Application for the registration of a vehicle required to be registered hereunder shall be made on a form furnished by the Department, each such application shall be signed by the owner of the vehicle

and shall give his name and address in full, and shall contain a brief description of the vehicle to be registered. Said description, in case of a new motor vehicle, shall include: The trade name of the vehicle; the year model; the style, type of body and the weight, if a passenger car, or the net carrying capacity and gross weight, if a commercial motor vehicle; the motor number; the date of sale by manufacturer or dealer to the applicant. The application shall contain such other information as may be required by the Department. It is expressly provided, however, that the owner of a vehicle previously registered in any State for the preceding or current year may in lieu of filing an application as hereinbefore directed, present the license receipt and transfer receipts, if any, issued for the registration or transfer of the vehicle for the preceding calendar year, and said receipt or receipts shall be accepted by the County Tax Collector as an application for the renewal of the registration of the vehicle, provided said receipts show that the applicant is the rightful owner thereof. Provided, however, that should an owner or a claimed owner of a motor vehicle or automobile offer to register same but has lost or misplaced the registration receipt or transfer, then upon his furnishing satisfactory evidence to the Tax Collector by affidavit or otherwise that he is the real owner of same, then shall it become the duty of the Tax Collector to issue him license therefor. Owners of motor vehicles trailers and semi-trailers which are the property of, and used exclusively in the service of the United States Government, the State of Texas, or any county or city thereof, shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or County or city thereof." Application shall be made for the registration of a new vehicle for the unexpired portion of the year in which it is acquired before it is operated on the public highways; ex-

cept that a new vehicle may be operated by a dealer under a dealer's license number or by its purchaser under a special dealer's cardboard number as provided in Chapter 211, General and Special Laws of the Regular Session of the 40th Legislature. Application for the renewal of registration of a vehicle and for each chauffeur's license for any calendar year shall be made not later than February first of that year and not earlier than December first of the next preceding calendar year; and during the month of January of each year it shall be lawful to operate any such vehicle under license number plates and license issued for each vehicle for the preceding calendar year.

Sec. (3a) The payment of the license fee prescribed herein for any vehicle shall become delinquent immediately upon the use of said vehicle on any public highway without said fee having been paid in accordance with this Act. In the event the payment of any such fee has become delinquent on any such vehicle, no license or license number plates shall be issued therefor by any County Tax Collector unless the owner of said vehicle pay an additional charge equal to twenty (20) per

cent of the total amount of said prescribed fee.

Sec. 4. Each application filed hereunder for registration or chauffeur's license during January shall be accompanied by the full amount of the annual fee; application filed after January shall be accompanied by the full amount of the annual fee if the vehicle was operated on the public highways or streets during any portion of January of that year, each application for registration filed during February or any subsequent month shall be accompanied by affidavit that such vehicle has not been previously operated upon the highways of this State during any portion of the current year and shall be accompanied by eleven-twelfths, ten-twelfths, nine-twelfths, eight-twelfths, seven-twelfths, six-twelfths, five-twelfths, four-twelfths, three-twelfths, two-twelfths, or one-twelfth respectively of the annual fee.

Sec. 5. The annual license fee for the registration of a motorcycle shall be five dollars and for each sidecar Three Dollars.

The annual license fee for the registration of a passenger car shall be based upon the weight of a vehicle as follows:

Weight in pounds	Fee per 100 pounds or fraction thereof
1 to 2000	\$.28
2001 to 3500	.36
3501 to 4500	.48
4501 and up	.50

The weight of any passenger car, for purposes of registration, shall be the weight generally accepted as its correct shipping weight plus 100 pounds.

Sec. 6. The annual license fee for the registration of a commercial motor vehicle or truck tractor shall be based upon the gross weight and tire equipment of the vehicle as follows:

Gross weight in Pounds	Fee per 100 pounds or fraction thereof
Equipped with Pneumatic Tires	Equipped with Solid Rubber Tires
0,001- 6,000 \$ .30	\$.40
6,001- 8,000 .40	.50
8,001-10,000 .50	.60
10,001-12,000 .60	.80
12,001-14,000 .80	1.00
14,001-16,000 1.20	1.50
16,001-22,000 1.60	2.00
22,001-and up 4.00	5.00

The term gross weight as used in this Section shall mean the actual weight of the vehicle fully equipped with body and other equipment, as certified by any official public weigher or any license and weight

inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" of any vehicle except a bus as used in this Section shall be the weight of the heaviest net load to be carried

on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity. "The net carrying capacity of a bus as defined in this Act shall be computed by multiplying its seating capacity by one hundred and fifty pounds. The seating capacity of any such vehicle shall be the manufacturer's rated seating capacity exclusive of the driver's or operator's seat. The seating capacity of any

such vehicle not rated by the manufacturer shall be determined by allowing one passenger for each sixteen inches that such vehicle will seat, exclusive of the driver's or operator's seat."

Sec. 7. The annual license fee for the registration of a road tractor shall be based upon the weight of the tractor, as certified by any official Public Weigher or any License and Weight Inspector of the State Highway Department, as follows:

0,001- 4,000 lbs.	\$ .25 per cwt.
4,001- 6,000 lbs.	.50 per cwt.
6,001- 8,000 lbs.	.60 per cwt.
8,001-10,000 lbs.	.75 per cwt.
10,001-16,000 lbs.	1.00 per cwt.
16,001-20,000 lbs.	2.00 per cwt.

Sec. 8. The annual license fee for the registration of a trailer or semi-trailer shall be based upon the gross

weight and tire equipage of the trailer or semi-trailer as follows:

	Fees per 100 pounds or fraction thereof.		
	Equipped with Pneumatic Tires	Equipped with Solid Tires	Equipped with Steel Tires
0,001- 6,000	\$ .30	\$ .40	\$1.00
6,001- 8,000	.40	.50	1.25
8,001-10,000	.50	.60	1.50
10,001-12,000	.60	.80	2.00
12,001-14,000	.80	1.00	2.50
14,001-16,000	1.20	1.50	3.00
16,001-22,000	1.60	2.00	4.00
22,000-and-up	4.00	5.00	6.00

The term gross weight as used in this Section means the actual weight of the trailer or semi-trailer, as officially certified by any Public Weigher or any License and Weight Inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" as used in this Section shall be the weight of the heaviest net load to be

carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

Sec. (8a.) Annual license fees for the registration of motor busses shall be based upon the "gross weight" of the vehicle as follows:

Gross weight in Lbs.	Fee per 100 lbs. or fraction thereof.	
	Equipped with Pneumatic Tires	Equipped with Solid Tires
1- 4000	\$1.10	\$1.25
4001- 6000	1.15	1.40
6001- 8000	1.30	1.50
8001-16000	1.40	1.60
16001-24000	1.40	1.75
24001-28000	1.40	2.00
28001-Up	4.00	6.00

Sec. (8b). Provided that no vehicle shall be registered with four wheels, or less, whose gross weight, including load, exceeds 22,000 lbs.; that no vehicle shall be registered with six wheels, whose gross weight,

including load, exceeds 30,000 lbs.; (axles of the latter type of vehicle to be spaced not less than 40 inches apart).

Sec. 9. The Department shall compile and furnish to the county



tax collectors a complete and detailed schedule of license fees to be collected on the various makes, models and types of vehicles required to be registered hereunder; and the weight, net weight, or gross weight of any vehicle required to be registered, as determined by the Department, shall be accepted as correct for registration purposes to the exclusive of any and all other purported weights of said vehicle.

Sec. 10. Apportionment of Funds. On Monday of each week each county tax collector shall deposit in the county depository of his county to the credit of the county road and bridge fund an amount equal to 100 per cent of net collections made hereunder during the preceding week until the amount so deposited for the current calendar year shall have reached a total sum of \$50,000.00.

Thereafter, and until the amount so deposited for the year shall have reached a total of \$250,000.00 he shall deposit to the credit of said fund on Monday of each week an amount equal to 50 per cent of collections made hereunder during the preceding week.

Thereafter, he shall make no further deposits to the credit of said fund during that calendar year. All collections made during any week under the provisions of this Act in excess of the amounts required to be deposited to the credit of the road and bridge fund of his county shall be remitted by each county tax collector on each Monday of the succeeding week to the State Highway Department, together with carbon copies of each license receipt issued hereunder during the preceding week. He shall also on Monday of each week remit to the Department as now provided by law, all transfer fees and chauffeurs' license fees collected by him during the preceding week, together with carbon copies of all receipts issued for said fees during the week. He shall also accompany all remittances to the Highway Department with a complete report of such collections made and disposition made thereof, the form and contents of said report to be prescribed by the State Highway Department. None of the monies so placed to the credit of the road and bridge fund of a county shall be used to pay the salary or compensation of any county judge or county commis-

sioners, but all said monies shall be used for the construction and maintenance of lateral roads in such county under the supervision of the county engineer, if there be one, and if there is no such engineer, then the county commissioners' court shall have authority to command the services of the Division Engineer of the State Highway Department for the purpose of supervising the construction and surveying of lateral roads in their respective counties.

Fifty (50) per cent, or so much thereof as shall be necessary, of all funds allocated to the counties by the provisions of this Act, may be used by the counties in the payment of obligations, if any, issued and incurred in the construction or the improvement of all roads, including State Highways or such counties and districts therein; and fifty (50) per cent of such funds may be used in the construction and the improvement of the roads comprising the county road system; provided, that when such obligations have been retired, all funds allocated to the counties may be used in the construction or improvement of the roads comprising the county road system; and provided further, that in all counties in which there are no obligations incurred and issued in the construction or improvement of roads in counties or districts therein, all funds allocated to such counties may be used by the counties in the construction or improvement of the roads comprising the county road system. And provided further, that all funds allocated to counties containing one hundred and fifty thousand inhabitants or over according to the 1920 Census may be used by such counties in the payment of the obligations, if any, incurred and issued in the construction or improvement of all roads, including State Highways; and/or may be used in the construction or improvement of the roads comprising the county road system.

Sec. (10A.) All funds required by this Act to be remitted to the State Highway Department, which are not so remitted within thirty days after being collected, shall thereafter bear interest for the benefit of the State Highway Fund at the rate of 10 per cent per annum, which interest shall be charged to each county tax collector failing or

refusing to remit said funds within said period of 30 days. The exact amount of said interest charge shall be determined by the State Highway Department by a careful audit of the license fees received and disbursed by said tax collector pursuant to the laws relating to the registration and transfer of vehicles; and the State of Texas shall have a valid claim against the county tax collector and his official bondsmen for the amount of such interest as determined by said audit. It is hereby expressly provided that no county tax collector shall maintain more than one office at which vehicles may be registered under the provisions of this Act; except in counties in which there is located a city (other than the city or town in which the county court house is located) having a population of 10,000 or more, the county tax collector of any such county may maintain one branch office for such purposes in said city.

Sec. 11. As compensation for his services under the provisions of this and other laws relating to the registration of vehicles and chauffeurs and the transfer of vehicles, each county tax collector shall receive a uniform fee of 50 cents for each of the first 1,000 receipts issued by him each year pursuant to said laws; he shall receive a uniform fee of 40 cents for each of the next 9,000 receipts so issued, a uniform fee of 30 cents for each of the next 15,000 receipts so issued and a uniform fee of 20 cents for each of the balance of said receipts so issued during the year. Said compensation shall be deducted weekly by each county tax collector from the gross collections made pursuant to this Act and other laws relating to the registration of vehicles and chauffeurs and the transfer of vehicles. Out of the compensation so allowed county tax collectors, it is hereby expressly provided and required that they shall pay the entire expense of issuing all license receipts and number plates and chauffeurs badges issued pursuant hereto, including the cost of labor performed in issuing said receipts, number plates and badges and the cost of postage used in mailing same to applicants. Provided, however, that the fees herein allowed the county tax collector after paying all necessary expenses shall be accounted for as fees of office and

compensation he receives therefrom shall be governed accordingly.

Sec. 12. The Department shall issue, or cause to be issued, to the owner of each vehicle registered under the provisions of this Act, a license receipt which shall indicate the date of its issuance, the license number assigned the registered vehicle, the name and address of the owner and such other information or statement of facts as may be determined by the Department. Said license receipt shall at all times be in possession of the operator of the vehicle for which it is issued and shall be subject to inspection by any peace officer or License and Weight Inspector of the State Highway Department. The failure or refusal of the operator of any vehicle to display for inspection said receipt to any peace officer or License and Weight Inspector requesting it for inspection shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding Two Hundred Dollars.

Sec. (12A.) The owner of a vehicle, the license receipt for which has been lost or destroyed, may obtain a duplicate thereof, by filing with the State Highway Department or the county collector who issued the original receipt an affidavit that it has been lost or destroyed and by paying a fee of 25 cents for said duplicate.

Sec. (12B.) It shall be the duty of each tax collector before registering a rebuilt vehicle to require from the owner or applicant an affidavit stating that such vehicle is rebuilt and giving the names of the persons or firms from whom the parts used in assembling the vehicles were obtained.

Sec. 13. The Department shall issue or cause to be issued, one license number plate for each motorcycle, road tractor, trailer or semi-trailer, and two license number plates for any other vehicle registered under this Act. In case one number plate is assigned to a vehicle, it shall be attached thereto at the rear thereof; and in case two are assigned, one shall be attached at the front and one at the rear. Said plates shall be kept clearly visible and securely attached during the year for which they are issued. License number plates issued for vehicles required to be registered under

the provisions of this Act shall not be attached thereto before the beginning of the calendar year for which they are issued.

Sec. (13a) The owner of a registered motor vehicle may obtain from the Department through the County Tax Collector replacement number plates for such vehicle by filing with said collector an affidavit showing that said number plate or plates have been lost, stolen or mutilated, and by paying a fee of one dollar for each set of plates issued. In case one or more plates are left in possession of such owner same shall be returned to the tax collector when making this affidavit. Said affidavit shall state that such plate or plates have been lost, stolen or mutilated and will not be used on any vehicle owned or operated by the person making this affidavit. No tax collector shall issue replacement plates without requiring compliance with the provisions of this section.

Sec. 14. Any person who operates a passenger car or a commercial motor vehicle or truck tractor upon the public highways of this State during the month of January of any calendar year, without having displayed thereon and attached thereto two license number plates, one plate at the front and one at the rear, which have been duly and lawfully assigned for said vehicle for the current or next preceding calendar year, shall be guilty of a misdemeanor.

(b) Any person who so operates a passenger car, or commercial motor vehicle or truck tractor during the period from February first to December thirty-first, inclusive, of any calendar year, without two such license plates for the current year so displayed and attached shall be guilty of a misdemeanor.

(c) Any person who operates a road tractor, motorcycle, trailer or semi-trailer upon the public highways of this State during the month of January of any calendar year, without having attached thereto and displayed at the rear thereof, a license number plate duly and lawfully assigned therefor for the current year or next preceding calendar year shall be guilty of a misdemeanor.

(d) Any person who operates a road tractor, motorcycle, trailer or semi-trailer during the period February first to December thirty-first, inclusive, of any calendar year, with-

out having so displayed and attached a number plate duly and lawfully assigned therefor for the current calendar year shall be guilty of a misdemeanor.

Any person convicted of a misdemeanor for a violation of this Section shall be fined in any sum not exceeding two hundred dollars.

(e) Any person operating an motor vehicle, trailer or semitrailer upon the highways on or after February first, of any calendar year with license plates for any preceding year attached or displayed shall be deemed guilty of a misdemeanor.

(f) Any person violating any provisions of this Act for the violation of such of which no other penalty is prescribed shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding two hundred dollars.

Sec. 15. Provided further, that if the method of distributing between the State and the counties the funds collected under this Act shall be declared invalid because of inequality of collection or distribution of motor vehicle license fees, then said funds shall be distributed 60 per cent to the counties making the collections and 40 per cent to remitted to the State in the same manner as herein provided.

Sec. 16. Articles 6675, 6676, 6677, 6678, 6679, 6680, 6681, 6682, 6683, 6689, 6690, 6692, and 6693 of Chapter 1, Title 116, Revised Civil Statutes 1925, and Article 6688 as amended by Chapter 211 of the General and Special Laws of the Regular Session of the 40th Legislature; and Articles 6691 and 6697 of Chapter 1, Title 116, Revised Statutes 1925, as amended by Chapter 162, General and Special Laws of the Regular Session of the 40th Legislature, and Articles 807, 810, 818, 819 and 820 Article 825 of Chapter 1, of Title 13 of the Penal Code of Texas, 1925; and all other laws and parts in conflict with this Act are hereby repealed. Nothing in this Act shall require the payment of registration fees or the registration of tractors or graders or other machinery owned by cities or counties or the Federal Government and used on streets, alleys or roads.

Sec. 17. That Chapter 93, Acts of the Regular Session of the 40th Legislature, Article 7065, Revised Civil Statutes, 1925, be and the same

is hereby amended so as to read hereafter as follows:

Article 7065 (7377) Tax on Gasoline. Every person selling at wholesale in intrastate commerce in this State any gasoline shall pay to the State of Texas an occupation tax equal to four (4) cents per gallon, or fractional part thereof, so sold by such persons. Such tax shall be due and payable at the office of the Comptroller at Austin on the 25th day of each month, based on such sales made during the calendar month next preceding. Every such person so selling gasoline shall on or before the 25th day of each month make and deliver to the Comptroller a report sworn to as correct by such person before an officer authorized to administer oaths in this State (or, if other than an individual, so sworn to by its president, secretary, treasurer, or other duly authorized officers, or by its representative in charge of such intrastate sales of such gasoline), on such forms as said Comptroller shall prescribe of the total number of gallons of gasoline sold at wholesale in intrastate commerce in this State by such person during the next preceding calendar month. The term "selling at wholesale" or "sold at wholesale" or "Sales at wholesale" as used in this law shall include:

1. Any and all sales of gasoline in any quantity whatsoever in intrastate commerce in this State to the retailer to be sold by such retailer to the consumer in any quantity whatsoever.

2. Any and all sales to consumer in intrastate commerce in this State of gasoline refined, compounded, manufactured, blended or prepared in this State where such sales are made by the person so refining, compounding, manufacturing, blending, or preparing same whether such sales are made in such person's own name or in the name of another or in the name of a representative, agent or employee of such person.

3. Any and all sales in any quantity whatsoever to the consumer in an intrastate commerce in this State of gasoline brought into the State from outside the State, except that gasoline which is sold in intrastate commerce to the retailer for sale to the consumer, the selling of which latter mentioned is covered by subdivision 1 hereof.

Failure of the Comptroller to furnish any person affected by this law with a form for any report required to be made by such person shall not relieve such person of liability for penalties for failure to comply with this law as to any such report. Every person required to pay said tax shall keep a complete record of all sales at wholesale made upon which the occupation tax herein levied is measured or computed, which record shall show the date of each such sale, the amount of same, to whom (except as to sales to the consumer) each such sale was made; from what place such gasoline was shipped and the name of the place of delivery of same. All of which records shall be open at all times to official inspection and examination of the Comptroller, or to the Attorney General, or any authorized employee or representative of such Comptroller or Attorney General. Any such person failing to keep such record or records as herein required shall forfeit to the State a a penalty an amount not exceeding One Thousand (\$1,000.00) Dollars; and for each day such person fails to keep such record or records, a separate penalty shall accrue. Any person required to pay an occupation tax by this law failing to pay such tax on or before the date same is due and payable, shall pay to the State as a penalty an additional ten per cent of the amount of the tax due on said date and such tax and penalty shall draw interest at the rate of eight per cent per annum from due date until paid.

Any person required to make any report under this law failing to make the same in the manner or within the time prescribed by this law shall forfeit to the State a penalty of not to exceed One Thousand (\$1,000.00) Dollars. Such penalty shall draw eight per cent interest from due date until paid. The occupation taxes herein levied shall be placed in the State Treasury by the Comptroller as provided in this Law immediately upon the collection of same. One-fourth of such occupation tax shall go to the available free school fund and three-fourths of same shall be placed to the credit of the State Highway Fund for the construction and maintenance of the public highways of the State constituting a part of the State system of public

highways as designated by the State Highway Commission, and said funds shall be set aside in a separate fund from the general revenue fund for the two purposes herein mentioned, and shall be subject to disbursement in accordance with the Statute controlling the distribution of such available school fund and the State Highway Fund, respectively. The Attorney General shall bring suit in behalf of the State in any court of competent jurisdiction in Travis County to recover the amount of taxes, penalties and interest past due and payable by any person affected by this law. The word "gasoline" as used in this law includes gasoline or gasoline substitute, refined, compounded, manufactured, blended or prepared in whole or in part from any derivative fraction or product of petroleum or natural gas; and shall also include what is commercially known as gasoline so refined, compounded, manufactured, blended or prepared; and shall include all fuels ordinarily, practically and commercially unstable and combustible in internal combustion engines for the generation of power in propelling motor vehicles upon and over the highways of this State, howsoever and from whatsoever refined or blended. The word "person" as used in this law shall include persons, firms, partnerships, companies, corporations, associations, receivers, common law trusts, those operating under a declaration of trust, or other concern by whatsoever name known or howsoever organized, formed or created. It is the purpose and intent of this law to levy an occupation tax that will not operate to burden the industry with the tax every time any particular gasoline is sold, but to place the tax on only one transaction as to any particular gasoline, to the end that the tax will bear equally and uniformly on the gasoline industry. (Acts 3rd C. S. 1923, P. 158.)

Article 7065-A: "Selling at wholesale," "sold at wholesale," or "sales at wholesale," as used in this law, shall also include the use of gasoline in intrastate commerce in this State, upon which gasoline no tax has been paid, accrued or required to be paid upon the sale of the same in Sections 1, 2 or 3 of Article 7065, supra; and "distributor" as defined herein, shall mean every person who sells

or uses gasoline in intrastate commerce in this State upon which a tax is required to be paid under the provisions hereof, and shall include the following persons:

1. Every person who makes any sale of gasoline in any quantity whatsoever in intrastate commerce in this State to the retailer to be sold by such retailer to the consumer in any quantity whatsoever.

2. Every person who makes any sale to a consumer in intrastate commerce in this State of gasoline refined, compounded, manufactured, blended or prepared in this State where such sales are made by the person so refining, compounding, manufacturing, blending or preparing same whether such sales are made in such person's own name or in the name of another or in the name of a representative, agent or employee of such person.

3. Every person who makes any sales in any quantity whatsoever to the consumer in intrastate commerce in this State of gasoline brought into the State from outside the State except that gasoline which is sold in intrastate commerce to the retailer for sale to the consumer, the selling at which latter mentioned is covered by subdivision 1 hereof.

4. Every person who produces, refines, manufactures, blends or compounds gasoline within this State, and who uses the same without having sold the same upon which tax is due on such sale under Section 1, 2 and 3 above.

5. Every person who imports gasoline into this State, and who uses the same in intrastate commerce in this State, which such gasoline so used has not been sold and a tax having not accrued or being required to be paid under Section 1, 2 and 3 above.

6. All persons using gasoline in this State in intrastate commerce upon which such gasoline a tax has not been paid, accrued or required to be paid under the foregoing sections;

Provided that only a single tax shall be levied upon any one gallon of gasoline in this State, whether upon the sale or the use thereof, but not both, in intrastate commerce in this State, and provided that no tax shall be required to be paid on any gasoline upon which a tax has previously accrued under Article

7065 before the effective date hereof, and "sale," "sell" and "sold" as used herein, providing for the administration hereof and included in the general provisions hereof shall include the use of gasoline and permits issued shall authorize the use as well as the sale, and reports shall be made on the use as well as the sale upon which a tax is imposed.

Provided that no tax shall be imposed on any gasoline the imposing of which would constitute an unlawful burden on interstate commerce, nor which is not subject to tax under the constitutions of the State of Texas and of the United States, nor gasoline sold to the Federal Government or any branch or agency thereof, the imposing of which would be obnoxious to the Federal Consti-

"Article 7065-B. All distributors of gasoline in this State now engaged in the sale of gasoline upon which such tax is required to be paid, shall, on or before the thirtieth day after the passage of this Act, and all persons engaging in the sale of gasoline as distributor thereafter, file a duly acknowledged application with the Comptroller of Public Accounts on a form prescribed by him, to be furnished upon written request of him, the failure to furnish which shall be no excuse for failure to file the same unless an absolute refusal is shown, which form shall set forth the name under which such distributor transacts or intends to sell gasoline as a distributor, the principal office, residence, place of business in Texas, and if other than an individual the principal officers or members thereof not to exceed three, and their office, street or post-office addresses, The Comptroller may require any other such information as he may desire in said application. No distributor shall, after above date, except herein provided, sell any gasoline until such application has been filed, together with bond and the obtaining of a permit. Provided that nothing in this Act shall be construed to require the filing of any application or securing of any permit where any sales are not subject to the tax.

"Article 7065-C". Upon receipt of the application and the bond hereinafter provided for the Comptroller shall issue to every distributor a permit authorizing the sale of gasoline in this State from the date of

the issuance of said permit, until and including the following December 31st, and on or before January 1st of each year, and before any distributor shall engage in selling gasoline after January 1st, an application shall be filed and a permit obtained for the calendar year, where such sale would subject to the tax. Said permit shall provide that the same is irrevocable and shall be suspended upon violation of any provisions of this Act or any reasonable rule or regulation adopted by the Comptroller, and if such permit is revoked or suspended said distributor shall not sell any gasoline until a new permit is granted or the suspension of the old permit removed.

"Article 7065-D. If any distributor has violated any provision of this Act, or any regulation adopted hereunder, and the Comptroller of Public Accounts desires to forfeit or suspend his permit, he shall give notice by registered mail, deposited in the United States mails, stating the reasons justifying forfeiture or suspension of such permit, and that the same shall be forfeited fifteen days from said date unless said distributor purge himself of such violation and pay any penalties that may be due. Provided, that if the Comptroller of Public Accounts illegally attempts to revoke or suspend said permit, said distributor, by giving at least two days notice to the Comptroller, may file a suit in equity in any court of Travis County having jurisdiction to enjoin the Comptroller's act and at any time after the expiration of said period the Comptroller may suspended or forfeit said permit unless enjoined. Any notice required to be given by the Comptroller may be mailed to the distributor at any place disclosed by the application required in Article 7065-B hereof.

"Article 7065-E. Before any permit shall be issued, as provided for herein, and before engaging in the sale of gasoline in Texas, every distributor shall execute and file with the Comptroller a good and sufficient surety bond, signed by said distributor, and a good and sufficient surety company or companies authorized to do business in this State, shall be approved by the Comptroller in an amount not less than Ten Thousand (\$10,000.00) Dollars, and which bond or bonds in no event

shall exceed One Hundred Thousand (\$100,000.00) Dollars, payable to the State of Texas, and conditioned for the full, complete, and faithful performance of all of the conditions and requirements of this Act, on a form to be prescribed by the Comptroller with the approval of the Attorney General, expressly providing for the payment of all taxes, costs, penalties, and interests at Austin, Texas. The amount of the bond required of any distributor shall be fixed by the Comptroller, and additional bond may be required by him at any time subject to the limitation herein provided, but the distributor may demand a reduction of his bond after six months from the effective date hereof in a sum to be not more than three times the highest tax said distributor has paid for any month during the preceding six months, but which shall never be less than Ten Thousand (\$10,000.00) Dollars. Provided, further, that no distributor shall be required to give more than the minimum bond the first month this Act becomes effective or the month he shall first engage in business as a distributor, but thereafter the Comptroller may demand additional bond. No recoveries on any bond, or execution of any new bond or renewal of a permit shall invalidate any bond. A new bond may be demanded when any new permit is issued or revived, but no revocation or revival shall affect the validity of any bond.

"Article 7065-F. All taxes, fines, penalties and interest due by any distributor to the State shall be a preferred lien upon all of the property of any distributor devoted to or used by him as distributor, not exempt under the Constitution, and if any distributor shall fail to remit proper taxes due, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted the distributor shall pay the reasonable expenses incurred in such investigation and audit an additional penalty.

"Article 7065-G. Whoever, as distributor, shall sell or use any gasoline or gasoline substitute upon which a tax is required to be paid by this Act without having first obtained and at the time having a valid permit as required by this Act, or whoever shall sell or use any gas-

oline or gasoline substitute in this State as agent, employee, or representative of a distributor upon which a tax is imposed by this Act, knowing that such distributor has not obtained a permit as required by this Act, or that said distributor does not at the time have a valid permit, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than One Hundred (\$100.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars, or be confined in the county jail not more than six months or both such fine and imprisonment.

Article 7065-H. Every distributor required to obtain a permit under the provisions of this Act shall keep a complete record of all crude oil and other oil or products from which such distributor may refine or blend any gasoline that is sold by him upon which the tax is due, and shall keep numbered sales tickets upon every sale upon which a tax is due under the provisions of this Act where such sales are in quantities of over twenty-five gallons, which tickets shall be numbered consecutively, shall show the quantity sold, the purchaser and address, the date and means of delivery, and shall be preserved, and a complete record of all gasoline received and distributed by every distributor in this State, whether a tax is required to be paid upon the same or not, shall be kept, except gasoline sold in interstate commerce or for export. The Comptroller is authorized to adopt such rules and regulations requiring the keeping of such records as he may deem advisable to aid him in the enforcement of the provisions of this Act. Provided however, that where sales are made direct to the consumer, the distributor need not make sales tickets, but each day shall make an accurate record of the gasoline received at the point of dispensation, the amount sold to consumers direct, or used otherwise. This article is cumulative of Article 7065.

Article 7065-I. If any person shall willfully or knowingly destroy, mutilate or secrete any of the records required to be kept by the provisions of this Act, or shall refuse to allow the Comptroller or his representatives or the Attorney General or his representatives to examine the same, he shall be guilty of a misdemeanor,

and shall be fined in a sum of not less than One Hundred (\$100.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars, or be confined in the county jail not more than six months, or both such fine and imprisonment.

Article 7065-J. If any distributor shall (a) sell any gasoline or gasoline substitute upon which a tax is required to be paid without first having obtained, or at the time having a valid permit, or (b) fail to keep any of the records required to be kept by Article 7065h, or violate any provision thereof, or (c) fail to make the report required by Article 7065, or (d) fail to make the remittance, together with the report as required by Article 7065, or (e) refuse to permit the Comptroller, or his agents, to examine the books, records, or papers required to be kept by this Act, or violate any of the other provisions of this Act, or any rule or regulation adopted by the Comptroller, shall forfeit to the State as a penalty the sum of One Thousand (\$1,000.00) Dollars, and each day's violation shall constitute a separate offense and incur another penalty, which if not paid shall be recovered in a suit by the Attorney General in a court of competent jurisdiction in Travis County, or any other court having jurisdiction, together with interest at the legal rate.

Article 7065-K. Whoever shall, as agent or representative of a distributor, knowingly make any false entry or fails to make entries in the books required to be kept by this Act with intent to defraud the State, or whoever as such shall knowingly make a false or incomplete return as required to be made to the Comptroller of Public Accounts under this Act, shall be guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than One Hundred (\$100.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars, or to be confined in the county jail not more than six months, or by both such fine and imprisonment.

Article 7065-L. (a) Every common carrier in this State having the custody of books and records showing the transportation of gasoline in this State, shall give and permit the Comptroller or his representatives free access to such books and records.

(b) All persons operating railroads, trucks, pipe lines and other conveyances as common carriers in the transportation of gasoline into this State, and every such common carrier transporting gasoline from the point where it is manufactured, refined, and blended in this State, shall render a sworn report to the Comptroller not later than the 25th of each month, showing a description of the tank, car, truck or other conveyance in which the same was transported on such forms as shall be prescribed by the Comptroller, which was transported by such persons during the preceding month; provided, that no report be made by any such persons transporting gasoline in containers of capacity less than twenty (20) gallons. Such report shall show the points of origin and destination, the number of gallons shipped, the date, the consignee and the consignor and the kind of gasoline.

(c) Any person violating any provision of this Section shall be liable for the penalty prescribed in Article 7065-I. Provided, no report or information is required herein, the requiring of which would be a violation of the Laws and Constitution of the United States or Texas, or an unlawful burden on interstate or foreign commerce.

\* Article 7065-M. Every distributor at the time of making the report required by Article 7065, shall attach legal tender or make proper form of money order or exchange thereto payable to the State Treasurer in the amount of tax for the period covered by such report, provided, however, that in computing the tax a deduction of one per cent of the quantity of motor fuels reported shall be allowed for evaporation and loss, which shall be deducted from the amount of the tax remitted.

Article 7065-N. That every distributor of highway motor fuels in the State of Texas, engaged in selling, distributing, and/or using highway motor fuel shall, before selling, distributing, and/or using motor fuels, color, or cause to be colored purple, all such highway motor fuels to be sold, distributed to, and/or used by the United States Government, or any official agency or instrumentality thereof for consumption or use by such Government, in such manner as the same is not sub-



ject to such tax; or to be sold, distributed to and/or used only for the purpose of operating or propelling machinery or devices for those engaged in mechanical pursuits; or for the purpose of operating or propelling stationary engines, fire department apparatus not used on the highways of this State; motorboat or marine engines, aircraft; for cleaning and dyeing purposes other than in motor vehicles; police patrol wagons and ambulances owned by municipalities not used on the highways of this State; and agricultural tractors and combines used for strictly agricultural purposes and not used on the public highways; and no purple colored motor fuels shall be sold, distributed for and/or used in any vehicle propelled by internal combustion engines, electricity, or steam, upon, or over the highways of this State, or capable of use thereof, and all other motor vehicles capable of such use, other than those herein specifically permitted to use purple colored motor fuels. Every application to purchase purple colored fuel shall be accompanied by affidavit showing the intended use thereof, to be for a purpose exempting same from the payment of the tax herein fixed, and if such motor fuel be used for a purpose other than that exempting such motor fuel from said tax, such improper use shall constitute a misdemeanor and if said purple motor fuel be mixed with some other liquid or coloring so as to destroy or disguise its original purple color such mixing or adulteration shall constitute a misdemeanor and the person guilty of such improper use or mixing or adulteration shall be fined not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, and the making of such false affidavit shall constitute false swearing, as defined by Article 310 of the 1925 Penal Code of Texas, and the person making such false affidavit shall be punished as is provided in said Article 310 of said 1925 Penal Code of Texas.

The terms "highway motor fuel," "gasoline," "purple motor fuel," or "purple colored motor fuel" shall include all fuels ordinarily, practically, and commercially usable and combustible in internal combustion engines for the generation of power

in propelling motor vehicles upon and over the highways of this State, and shall include all distillates of and condensates from petroleum, natural gas, coal, coal tar and vegetable ferments, except that is commonly known as fuel and crude oil, and except kerosene having a minimum of 110 degs. Fahrenheit Flash Test, when tested in the manner fixed or prescribed, or that may be hereafter prescribed by the United States Bureau of Mines; said distillates and condensates being ordinarily designated as gasoline, liberty fuel, naptha, benzol, benzine, alcohols, and other volatile and inflammable liquids so usable.

The term "Highway" shall include any road, street, way, thoroughfare or bridge in this State not privately owned or controlled, for the use of vehicles over which the State has legislative jurisdiction under its police power.

The term "motor vehicle" shall include all vehicles propelled by internal combustion engines, electricity, or steam, upon or over the highways of the State of Texas, or capable of use thereon.

Article 7065-O. Whoever wilfully or knowingly makes any false statement in any claim made or filed under the provisions of this Act as to any material fact required to be given by this Act shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than Two Hundred (\$200.00) Dollars, nor more than Two Thousand (\$2,000.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year, or both such fine and imprisonment.

Sec. 18. No permit shall be required of any distributor under the provisions of this Act until, as hereinbefore provided, thirty (30) days from the taxing effect hereof. Immediately upon the taking effect of this Act the tax herein imposed shall be levied and collected on the sale, as defined herein, of gasoline. A report shall be made under Article 7065 of all sales of gasoline up to the taking effect of this Act, and all sales, as defined herein, thereafter shall be reported as provided herein. All taxes imposed under Article 7065 heretofore, and having accrued, and that have not been paid, shall be in no wise affected by this Act,

but all such taxes, penalties, and interests shall be paid, and all suits to collect the same shall be prosecuted.

Sections 1 to 16 of this Act shall take effect and be in force from and after January 1st, A. D. 1930, and the remainder shall take effect and be in force from and after its passage.

Sec. 19. The provisions of this Act are severable, and if any of the provisions hereof shall be held void the decision of the court shall not affect or impair any of the remaining provisions, and it is hereby declared as the legislative intent that this Act would have been adopted, increasing the tax from two (2) cents to four (4) cents without the levying of a tax on the use, and without the exemption clause, should either be held invalid, and that such tax would have been levied on the use without the exemption provided for herein, and should any of the objects be held not subject to such tax the remaining objects and subjects would have been included, and the tax would have been increased and levied upon those objects without inclusion of the other.

Sec. 20. The fact that the present occupation tax on gasoline does not provide all the means for its economical and efficient enforcement, that such law is not equal and uniform and does not evenly distribute the burdens of taxation, that said tax is inadequate, and that the State is losing many hundreds of thousands of dollars because of the inability to enforce the Act on account of its lax provisions, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Greer moved to recess until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

The substitute was read.

Senator Wirtz raised the point of order that the substitute was out of order because it contained two subjects.

#### House Bill No. 79.

Senator Neal received unanimous

consent to take up the following bill:

H. B. No. 79, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service and duties; authorizing said Board to assume and discharge the duties assigned by law to the present State Board of Education; abolishing the State Text Book Commission; providing for an appropriation to pay the expenses of said Board; repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 79 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

**Senate Bill No. 199.**

Senator McFarlane received unanimous consent to take up the following bill:

By Senator McFarlane:

S. B. No. 199, A bill to be entitled "An Act making an appropriation for the establishment of a cotton fiber laboratory under the supervision of the A. & M. College."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 199 was put on its second reading by the following vote:

**Yeas—31.**

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 199 was put on its third reading and final passage, by the following vote:

**Yeas—31.**

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Read third time and finally passed by the following vote:

**Yeas—23.**

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

**Nays—1.**

Parrish.

**Absent.**

Hardin.	Russek.
Hyer.	Westbrook.
Martin.	Witt.
Pollard.	

**Adjournment.**

On motion of Senator Greer, the Senate, at 5:45 o'clock p. m., adjourned until 10:00 o'clock Friday morning.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, June 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 20 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, June 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 189 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee on Enrolled Bills.**

Committee Room,

Austin, Texas, June 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 49 carefully examined and compared and find the same correctly enrolled, and have this day at 3:55 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee Reports.

Austin, Texas, June 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 199, A bill to be entitled "An Act making appropriation for the establishment and maintenance of a cotton fiber laboratory under the supervision of A. & M. College, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, June 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 182, A bill to be entitled "An Act making an appropriation for the erection of a monument in memory of John W. McFarlane, deceased; providing for the erection of said monument; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Greer. S. B. No. 182.

#### A BILL To Be Entitled

An Act making an appropriation for the erection of a monument in memory of John W. McFarlane, deceased; providing for the erection of said monument; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The sum of Ten Thousand Dollars is hereby appropriated, the same or so much thereof as may be necessary to be used to erect a monument in memory of the late

John W. McFarlane of Anderson County, commonly known as the "Cotton King."

Sec. 2. A commission of three citizens shall be appointed to have same erected. Said monument shall be erected at the grave of the said John W. McFarlane, and said Commission shall advertise for bids for same after advertisement in three newspapers of general circulation for thirty days, and shall let the erection contract to the lowest and best bidder. Before advertising, said Board shall have prepared plans and specifications for the monument.

Sec. 3. The fact that John W. McFarlane during his lifetime rendered valuable services to the people in connection with improved methods of cotton growing which should be recognized in a public way, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Friday, June 28, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Prayer by the Chaplain.

Pending the reading of the Jour-